

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

\_\_\_\_\_X

UNITED STATES OF AMERICA

1:08- CR.- 35

Plaintiff

-against-

JERRY L. BROOKS,

Defendant

\_\_\_\_\_X

**DEFENDANT'S REQUESTS FOR CHARGE**

1. The statute requires that the Government show, beyond a reasonable doubt, the the Defendant knew the statements at issue were false. A finding that the Defendant should or could have known is *insufficient* to establish guilt.
2. The statute requires the the Government show, beyond a reasonable doubt, that the statements at issue were material, ie: important, to the G.S.A. contract. If you find that the G.S.A. renewed the contract when they knew or should have known the statement was false, you *may* infer that the statements were not material.

Also, if you find that the G.S.A. accepted an alternative training plan, you may infer that the statements were not material.

3. If you find that the statements at issue were literally true, ie: that the guards received at least 83 hours of relevant training, *in any form*, you must find the Defendant Not Guilty of the charge.